

SCF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 12- 068

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UNITED STATES OF AMERICA

PRE-ARRAIGNMENT
C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)
and 960)

JAVIER OSES DIAZ,

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

VINCENT MARINO, being duly sworn, deposes and states that he is a Special Agent with Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about January 21, 2012, within the Eastern District of New York and elsewhere, defendant JAVIER OSES DIAZ did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

^{1/} Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant

1. On January 21, 2012, defendant JAVIER OSES DIAZ arrived at John F. Kennedy International Airport in Queens, New York, aboard Taca Airlines Flight No. 574 from Medellin, Colombia.

2. Customs Inspectors approached the defendant for a Customs inspection. As the inspectors began searching the defendant's luggage the defendant became visibly nervous. Specifically, inspectors noticed that the defendant intentionally avoided making eye contact with them during the baggage exam.

3. Although the contents of the defendant's luggage were not found to contain narcotics, Customs officers considered the defendant a possible internal narcotics courier, and provided the defendant with an x-ray consent form, which was read to the defendant. The defendant appeared to understand the contents of the form, and he voluntarily signed it. The defendant was then transported to the medical facility at John F. Kennedy International Airport for an x-ray examination of his intestinal tract. The x-ray was positive for the presence of foreign bodies.

4. The defendant subsequently passed 11 pellets, one of which was probed and tested positive for the presence of heroin.

facts and circumstances of which I am aware.


5. Defendant JAVIER OSES DIAZ will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that the defendant JAVIER OSES DIAZ be dealt with according to law.



VINCENT MARINO
Special Agent
Homeland Security Investigations

Sworn to before me this
23RD day of January, 2012



VIKTOR
UNITED
EASTER

S / Pohorelsky

UDGE
RK